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Attorney's Docket No.: 11019-029001

03cc H #3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Donald E. Ackley  
Serial No. : 10/027,115  
Filed : December 20, 2001  
Title : MICRONEEDLE ARRAY SYSTEMS

Art Unit : Unknown  
Examiner : Unknown

Commissioner for Patents  
Washington, D.C. 20231

PETITION IN CONNECTION WITH ALLEGEDLY OMITTED FIGURE

A Notice to File Missing Parts of Application under 37 U.S.C. §1.53(b) ("the Notice") was mailed in this application on February 26, 2002 (copy enclosed as Exhibit 1). The Notice indicated that Fig. 2A was omitted from the application as filed.

The application as filed (copy enclosed as Exhibit 2) did not explicitly include a copy of Fig. 2A. However, as shown in the transmittal letter filed with the application (copy enclosed as Exhibit 3), the application as filed incorporated by reference U.S. provisional application 60/257,757 (copy of U.S. provisional application 60/257,757 enclosed as Exhibit 4). As shown in Exhibit 4, U.S. provisional application 60/257,757 includes Fig. 2A. Accordingly, Fig. 2A was in fact part of the application as originally filed via the incorporation by reference of U.S. provisional application 60/257,757.

Applicants submit herewith a preliminary amendment adding Fig. 2A to the application. This amendment does not add new matter because it merely adds matter disclosed in U.S. provisional application 60/257,757, which as incorporated by reference in the application as filed. A copy of this preliminary amendment is attached as Exhibit 5.

Accordingly, Applicants believe that the application as filed did not omit Fig. 2A, and Applicants request that the application as filed, including Fig. 2A, be provided a filing date of December 20, 2001.

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit:

Signature:

Relisha K. Adair

Typed or Printed Name of Person Signing Certificate

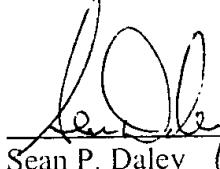
Applicant : Donald E. Ackley  
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Page : 2

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Enclosed is a check in the amount of \$130 in connection with this petition. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 26, 2002

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/027,115	12/20/2001	Donald E. Ackley	11019-029001

RECEIVED

SEAN P. DALEY  
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MAR 01 2002  
FISH & RICHARDSON, P.C.  
BOSTON OFFICE

CONFIRMATION NO. 9722

## FORMALITIES LETTER



\*OC000000007535888\*

Date Mailed: 02/26/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION	
DOCKETED BY PRACTICE SYSTEMS	DOCKETED BY PRACTICE SYSTEMS
Action Code <u>10000000000000000000000000000000</u>	FILED UNDER 37 CFR 1.53(b)
Base Date <u>2/26/02</u>	Filing Date Granted
Due Date <u>4/26/02</u>	
Deadline <u>—</u>	
Initial application number and filing date have been accorded to this application, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).	

- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 2A described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and

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\$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*



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